

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

---

Benton W. Miller,	)	Case No. 8:18-CV-568
	)	
Plaintiff,	)	
	)	
vs.	)	<b>PROTECTIVE ORDER</b>
	)	
Union Pacific Railroad Company,	)	
a Delaware corporation, and	)	
Swift Transportation Co. of	)	
Arizona, LLC, a Delaware Limited	)	
Liability Company, Abdinasir Dirie and	)	
Abdikadir Mohamed,	)	
	)	
Defendants.	)	

---

This matter is before the Court on the parties' Stipulated Motion for Entry of Protective Order. ([Filing No. 61](#).) The motion is granted. Accordingly,

WHEREAS the parties, recognizing that discovery could implicate confidential commercial information, seek to protect such information from public dissemination during the discovery phase of this litigation;

WHEREAS the Court, being fully advised on the matter, finds that the parties may produce documents and videos containing confidential information, including confidential commercial information that qualifies for protection pursuant to Federal Rule of Civil Procedure 26(c); and

WHEREAS public dissemination of this information would interfere with the parties' expectation and legal requirements that certain information remain confidential.

**THEREFORE, IT IS HEREBY ORDERED as follows:**

That the Plaintiff, Benton W. Miller and Defendants Swift Transportation Co. of Arizona, LLC, Abdinasir Dirie and Abdikadir Mohamed, as well as their agents and representatives, shall

adhere to and are hereby commanded to comply with all of the provisions of this Protective Order relating to the production of the subject videos (i.e. DVR video a/k/a TIR); and specifically, they are commanded to comply with all of the following Terms and Conditions:

### **TERMS AND CONDITIONS**

1. The video from any locomotive camera concerning the accident involving Benton W. Miller shall not be disclosed, produced, or otherwise disseminated to anyone who is not involved in this case by Plaintiff Benton W. Miller and Defendants Swift Transportation Co. of Arizona, LLC, Abdinasir Dirie and Abdikadir Mohamed, as well as any agents or representatives.

2. The Plaintiff, Benton W. Miller and Defendants Swift Transportation Co. of Arizona, LLC, Abdinasir Dirie and Abdikadir Mohamed, as well as their agents and representatives shall not allow the subject videos to be disseminated to or on the Internet or any other electronic media.

3. The Plaintiff Benton W. Miller and Defendants Swift Transportation Co. of Arizona, LLC, Abdinasir Dirie and Abdikadir Mohamed, as well as their agents and representatives, will ensure that if the subject videos are given to any employee of theirs or any outside expert, that these individuals will be advised of and provided a copy of this Agreed Protective Order and they shall not disseminate the subject videos on or to the Internet or any other outside electronic media nor shall they disclose, produce, or otherwise disseminate it to anyone who is not involved in this case.

4. The acceptance of the subject videos or copies of the same by any employee of or outside expert utilized by the Plaintiff Benton W. Miller and Defendants Swift Transportation Co. of Arizona, LLC, Abdinasir Dirie and Abdikadir Mohamed, as well as their agents and representatives, constitutes their agreement and consent to be bound by all of the provisions of

this Agreed Protective Order, all of its specific Terms and Conditions.

5. That the termination of proceedings in this action shall not relieve any person to whom the videos have been disclosed from the obligations of the is Protective Order and said videos will be destroyed/deleted or returned to Defendant at the conclusion of this case.

DATED this 11<sup>th</sup> day of September, 2019.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge

Agreed by:

s/ William Kvas

William Kvas, #24930  
1000 Twelve Oaks Center Drive, Suite 101  
Wayzata, MN 55391  
Tel: (612) 339-4511  
Fax: (612) 339-5150  
[wkvas@hlklaw.com](mailto:wkvas@hlklaw.com)

ATTORNEYS FOR PLAINTIFF

s/ Kyle Wallor

Kyle Wallor  
Lamson, Dugan & Murray, LLP,  
10306 Regency Parkway Drive  
Omaha, NE 68114  
Tel: (402) 397-7300  
Fax: (402) 397-7824  
[kwallor@ldmlaw.com](mailto:kwallor@ldmlaw.com)

ATTORNEYS FOR DEFENDANT UNION PACIFIC

s/ Kristina J. Kamler

Kristina J. Kamler, 24082  
Stephen G. Olson, II, 18949  
Engles, Ketcham, Olson & Keith, P.C.  
1350 Woodmen Tower  
1700 Farnam Street  
Omaha, NE 68102  
Tel: (402) 348-0900  
Fax: (402) 348-0904  
[kkamler@ekoklaw.com](mailto:kkamler@ekoklaw.com)  
[solson@ekoklaw.com](mailto:solson@ekoklaw.com)

ATTORNEYS FOR DEFENDANTS  
SWIFT TRANSPORTATION CO. OF ARIZONA, LLC  
ABDINASIR DIRIE AND ABDIKADIR MOHAMED